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SIPDIS

SENSITIVE

STATE FOR EAP/MLS AND PRM, BANGKOK FOR REFUGEE COORDINATOR,
GENEVA FOR RMA

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TAGS: [PREL](#) [PHUM](#) [PREF](#) [VM](#) [CB](#) [DPRK](#) [ETMIN](#) [HUMANR](#)

SUBJECT: UNHCR PLEASED WITH PROGRESS IN ETHNIC MINORITIES
ISSUE, STATE OF RELATIONS WITH GVN

¶11. (SBU) Summary and Comment: UNHCR Asia/Pacific Director Janet Lim and other UNHCR representatives briefed the Ambassador November 21 on the current positive tone of UNHCR-GVN relations and the state of play of Vietnamese ethnic minorities in Cambodia. Although the GVN remains reluctant to allow an expatriate Chief of Mission in Vietnam, it has facilitated visas for out-of-country UNHCR staff and arranged returnee monitoring visits by local diplomats. UNHCR representatives also described positive meetings with U.S. Congressional staffers and expressed the desire to work more closely with them in the future. For reasons that are unclear, Vietnamese ethnic minorities continue to arrive in Phnom Penh, although word does seem to be spreading in minority communities in Vietnam that crossing into Cambodia is not a good idea. The Ambassador urged UNHCR representatives to remain in close contact with the USG, ensure that those arriving in Phnom Penh are given the chance at status determination and undertake efforts to get the word out on the good work UNHCR continues to do. Mission will work with Embassy Phnom Penh and UNHCR to understand better who is still traveling to Cambodia and why. On the issue of DPRK asylum seekers, the GVN may be pragmatic provided the matter is quiet and low-key. On the Khmer Krom crossing into Cambodia, UNHCR reports that the issue has calmed down since August. End Summary and Comment.

Vietnamese Ethnic Minorities/Central Highlands

¶12. (SBU) UNHCR Asia/Pacific Director Janet Lim met November 21 with the Ambassador to discuss ongoing issues related to Vietnamese ethnic minorities in Phnom Penh, returnees, DPRK asylum seekers and ethnic Cambodians (Khmer Krom). Lim was joined by Regional Representative Hasim Utkan and Vietnam Chief of Mission Vu Anh Son. Contrasting the current good state of UNHCR-GVN relations with one year ago, Lim expressed gratitude for the USG's and others' support for UNHCR's efforts. This includes undertaking monitoring visits to the Central Highlands, which the Ambassador noted are important for third countries to carry out, but are still ultimately the responsibility of UNHCR. While in Vietnam, Lim will meet with Standing Vice Foreign Minister Le Cong Phung. (Note: Lim was originally scheduled to meet with VFM Nguyen Phu Binh, who had to cancel. That the GVN upgraded Lim's interlocutor rather than arrange a meeting with a Director General is a positive indication of how things are between UNHCR and the GVN. End Note.)

¶13. (SBU) Lim explained that the GVN has made clear its reluctance to expand UNHCR's presence in Vietnam. At the same time, the GVN issued a multiple-entry diplomatic visa to Regional Representative Utkan. UNHCR's next step will be to seek a similar visa for its putative expatriate Chief of Mission, who will be based in Bangkok "for the time being." The Ambassador noted that, sooner rather than later, UNHCR will need an expanded presence in Vietnam, particularly as UNHCR's mandate goes beyond addressing the issue of ethnic minorities and will soon include managing a number of microprojects in the Central Highlands, including one funded by PRM. Lim reported that, in a recent letter from Foreign Minister Nguyen Dzy Nien to the High Commissioner, the GVN expressed its position that there is no need for an expat UNHCR representative because Vietnam has no refugees and "the Comprehensive Plan of Action (CPA) is finished." "But UNHCR's work in Vietnam is much more than just CPA," Lim stressed. However, FM Nien added in the letter that Vietnam wants to keep UNHCR's "liaison office" and will issue entry visas to UNHCR staff to regularly visit Vietnam and also facilitate visits to returnees by local diplomats.

¶14. (SBU) Turning to U.S. Congressional interest in the Central Highlands, the Ambassador urged UNHCR to be as transparent and open as possible in dealing with the Hill. There are a number of senior staffers and others who follow these matters closely and want to help, and the more that UNHCR can do to facilitate their understanding of the situation on the ground, the better. Utkan added that, during a recent visit to Washington, he encountered a great deal of interest among Congressional aides, and he hopes to

develop a strategy for passing information to staffers, particularly those with "open minds."

15. (SBU) The UNHCR representatives described the November 3 voluntary repatriation of ten ethnic minorities, eight originally from Dak Lak Province and two from Gia Lai Province. These ten individuals did not undergo a status determination process, but rather decided to return to Vietnam after receiving counseling from UNHCR. The Ambassador questioned this way of doing business, noting that it is important to give refugees who appear in Phnom Penh the fullest possible hearing. This may also include involving USCIS. The USG needs to know about these cases, and we need to stay in communication with UNHCR, the Ambassador stressed. UNHCR can also increase its effectiveness by putting its case on record. It has a good story to tell regarding returnees and should not shy away from taking credit for its efforts to ameliorate the situation. Director Lim agreed, noting that during the October Executive Board meeting, the issue of ethnic minorities did not generate much discussion as it was "no longer the crisis of the moment."

16. (SBU) Between August and November 21, 122 ethnic minorities arrived in Phnom Penh, Utkan said. Of these, 54 of them are from Gia Lai Province and arrived two weeks ago. The remaining 68 are predominantly from Dak Lak Province, and a number of these are family members of individuals resettled abroad in 2001 and later. (Note: Based on information we received from UNHCR, none of these individuals is among our Visas-93 cases. However, it could be that the relatives in the United States have not yet filed an I-730 or we have not yet received the DHS approval. End Note.) By the end of the year, UNHCR expects to have processed a total of 820 or 830 individuals, with 600 resettled, 185 repatriated to Vietnam and 65 determined to be Cambodians posing as Vietnamese ethnic minorities. By year's end, UNHCR also expects some 160 individuals to be in Phnom Penh awaiting processing (this figure includes a number of the 122 currently in the camps). In initial processing some of these 122 individuals, to date UNHCR has recommended ten percent for resettlement, with 40 percent receiving "derivative status" (family reunification) and 50 percent rejected, Utkan explained.

17. (SBU) It is unclear why ethnic minorities are still crossing into Cambodia, although it seems that word is spreading among ethnic minorities in certain districts in Gia Lai that going to Cambodia is not a good idea, Utkan continued. For example, among the new arrivals, none is from Ia Grai and Chu Se, two districts that in the past have had a number of refugees. Utkan added that Chief of Mission Son recently visited the 13 ethnic minorities who returned to Dak Lak in September 2004, and all seemed well.

18. (SBU) Turning back to his visit to Washington, Utkan described his meeting with representatives of Refugees International, who expressed concern that UNHCR's reporting on the Central Highlands "jeopardized" the reporting of Human Rights Watch and others. Utkan countered that UNHCR's mandate is limited, and the organization has nothing to hide. Although Refugees International had initially opposed any kind of screening for ethnic minorities, their position now is that screening is preferable to forced repatriation, he continued. Refugees International and others also advocate that those that have been screened out should have access to independent counsel during their appeals process, which UNHCR does not oppose provided UNHCR is not responsible for the cost. The Ambassador reminded them that the United States is also opposed to forced repatriation. Responding to the Ambassador's question about the "humanitarian group" now in Phnom Penh -- those screened-out refugees whom Embassy Phnom Penh has referred -- Utkan said some cases have been accepted, some cases are pending and one case involving two persons was rejected by USCIS. (Note: This does not track with information we received from RefCoord Bangkok. According to these separate figures, of a total of 23 cases (35 persons), 14 cases (22 persons) have been approved by DHS and are awaiting further processing; four cases (five persons) have been denied by DHS; two cases (two persons) are awaiting DHS's decision; one case (three person) has applied to Finland; and, two cases (three persons) have withdrawn their applications. End Note.)

DPRK Asylum Seekers

19. (SBU) On the subject of DPRK asylum seekers in Vietnam, Lim observed that, as long as the matter is kept quiet and low-key, the GVN may be pragmatic and flexible in resolving asylum cases involving diplomatic facilities. However, if the incident becomes high-profile -- which, unfortunately, is what many advocacy groups seek -- then the GVN would likely feel forced to do something about it. The ROKG has sought a greater role for UNHCR, which is possible provided

the host government agrees ("something that is not an option in China"), Lim continued.

Ethnic Cambodians/Khmer Krom

¶10. (SBU) Regional Representative Utkan reported that the issue of ethnic Cambodians migrating from Vietnam to Cambodia has "calmed down" since August. The International Committee of the Red Cross has assisted some of those individuals who are facing hardship, and a number of those who crossed into Cambodia have been declared "ethnic Khmer" by the RGC. There does not appear to be a magnet effect, Utkan concluded.

Comment

¶11. (SBU) We look forward to working with Embassy Phnom Penh and UNHCR to learn more about who the continuing arrivals from Vietnam are, including where they are from and why they still choose to cross into Cambodia. Although none of the family reunion cases that UNHCR brought to our attention tracks with our own Visas-93 applicants, we will try to determine whether I-730's have been filed for these individuals and, if so, where these applications stand. End Comment.

MARINE